

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARON PAIGE,

Plaintiff-Claimant,

v.

Case No. 14-C-255

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant-Respondent.

DECISION AND ORDER

Pro se Plaintiff-Claimant Baron Paige (“Paige”) seeks leave to proceed *in forma pauperis* on his appeal from the denial of his social security disability benefits claim. In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: First, whether the litigant is unable to pay the costs of commencing this action; and, second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i).

By his petition and affidavit to proceed *in forma pauperis*, Paige avers that he is unemployed and single. He has no dependents. He has no valuable assets and no money. He has no monthly expenses. Paige has satisfied the requirements of 28 U.S.C. § 1915(a) and is unable to pay the \$350 filing fee for this action.

Paige must next demonstrate that his action has merit as required by 28 U.S.C. § 1915(e)(2)(B)(i). An action is frivolous if there is no arguable basis for relief either

in law or in fact. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)); *Casteel v. Pieschek*, 3 F.3d 1050, 1056 (7th Cir. 1993). The Court is obliged to give a plaintiff's pro se allegations, however inartfully pleaded, a liberal construction. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

Under 42 U.S.C. § 405(g), a plaintiff may obtain review of the Social Security Commissioner's decision. The standard of review that the Court is to apply in reviewing the Commissioner's decision is whether the decision is supported by "substantial evidence." 42 U.S.C. § 405(g); *Jens v. Barnhart*, 347 F.3d 209, 212 (7th Cir. 2003).

Paige requests that the Court consider his appeal, stating he has heart failure, which has caused kidney illness, shortness of breath, and numbness in his arm, and he experiences shortness of breath after only walking a half block. Liberally construed, Paige's Complaint states a claim that the Commissioner's decision regarding the denial of his application for disability benefits is not supported by substantial evidence, or is contrary to law. At this preliminary stage of the proceedings, the Court concludes that there may be a basis in law or in fact for Paige's appeal of the Commissioner's decision and the appeal may have merit, as defined by 28 U.S.C. § 1915(e)(2)(B)(i). Therefore, the Court grants Paige's request to proceed *in forma pauperis*.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Paige's petition for leave to proceed *in forma pauperis* (ECF No. 2) is
GRANTED.

Dated at Milwaukee, Wisconsin, this 17th day of March, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge